



# COUNTY OF CHARLOTTE

## OFFICE OF THE COUNTY ATTORNEY

18500 Murdock Circle  
Port Charlotte, Florida 33948-1094  
Phone: (941) 743-1330  
FAX: (941) 743-1550

ORIGINAL  
FILE COPY

July 25, 1997

RENEE FRANCIS LEE  
COUNTY ATTORNEY

Ms. Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Objection to Service Area Extension for Lake Suzy Utilities, Inc.  
(Docket No. 970657) and Request for Formal Hearing

Dear Ms. Bayo:

Charlotte County, Florida, has only recently become aware of an Application filed with the Public Service Commission (PSC) by Lake Suzy Utilities, Inc., on June 3, 1997, to amend Lake Suzy's Certificates Nos. 416-S and 480-W to add to its territory in Charlotte County, Florida, and delete from its territory in DeSoto County, Florida. The area to be added as described in the Application is wholly within Charlotte County, Florida, and also wholly within the service area of Charlotte County Utilities (CCU), a publicly owned water and wastewater system owned and operated by Charlotte County, Florida, pursuant to its powers as a home rule county, Florida Statutes Sections 125.01 and 153.08, and Charlotte County Ordinances Numbers 95-044 and 95-045, as amended. (The Charlotte County Board of County Commissioners established CCU's service area as Water & Sewer District No. 1 by Resolution Number 91-79 adopted April 23, 1991, copy enclosed.)

Neither the Charlotte County Board of County Commissioners as the "governing body of the county... affected" nor CCU received notice of Lake Suzy's Application, as required by Florida Statutes Section 367.045(2)(a). CCU Director Richard Howell discovered Lake Suzy Utilities' Application on the Internet. Apparently, PSC notices to "affected counties" are sent to the "Clerk, Board of County Commissioners." When the Clerk of the Circuit Court for Charlotte County receives such notices, they are simply posted with other public notices on a bulletin board in a public area of the Charlotte County Courthouse in Punta Gorda. (Please see enclosed copy of my July 17, 1997, letter to you requesting a change of address for such notices.) It is clear, however, that Lake Suzy is aware of CCU's location and the County's correct mailing address. Please refer to enclosed copy of letter dated April 22, 1996, from Lake Suzy President Dallas A. Shepard to Thomas J. Orlosky at CCU, requesting an agreement giving Lake Suzy the right to serve the Links Subdivision, "outside the existing territory of Lake Suzy and within the jurisdiction

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of Charlotte County." Please also refer to enclosed copy of letter dated May 1, 1997, from Thomas J. Orlosky at CCU to Dallas Shepard, stating that [CCU] "water and sewer facilities and capacity are ready to serve the development of the subdivision" and "it would be contrary to the interests of CCU's ratepayers and bondholders to relinquish this portion of CCU's franchise area." A map of the area in question is also enclosed.

In addition, the adoption of Resolution 97-21 by the DeSoto County, Florida, Board of County Commissioners on March 5, 1997, rescinding PSC jurisdiction over private water and wastewater companies in DeSoto County, effectively ended the PSC's jurisdiction over Lake Suzy Utilities, except for those matters contained in Lake Suzy's pending staff-assisted rate case (PSC Docket No. 960799-WS, PAA order issued July 3, 1997). The PSC acknowledged the DeSoto County Resolution rescinding PSC jurisdiction in Order No. PSC-97-0603-FOF-WS issued May 27, 1997. If Lake Suzy Utilities desires to come under the jurisdiction of the PSC through Florida Statutes Section 367.171(7), by extending into a second county, then an Application to Amend Certificates is not the proper filing, because the current Certificates are to be surrendered to the PSC after the pending rate case is concluded.

Although we do not believe that the PSC has jurisdiction over Lake Suzy Utilities, Inc., beyond the rate matters contained in PSC Docket No. 960799-WS, if it is the PSC's position that it does have jurisdiction, then we request a formal hearing in order to preserve CCU's service area.

Please let us know if there is any further information you need from us in order to process our Objection.

Sincerely,

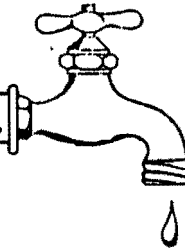


Martha Young Burton  
Assistant County Attorney

MYB/am  
Enclosures

cc: Reneé Francis Lee, County Attorney  
Jan Winters, County Administrator  
Pamela D. Brangaccio, Assistant County Administrator  
Richard E. Howell, CCU Director  
Dallas A. Shepard, President, Lake Suzy Utilities, Inc.

**LAKE SUZY UTILITIES, INC.**



(941) 629-2439

12408 S.W. SHERI AVENUE  
LAKE SUZY, FLORIDA 33821

April 22, 1996

*Rick / Need  
to talk  
Tom*

Mr. Thomas J. Orlosky  
Charlotte County Utilities  
18500 Murdock Circle  
Port Charlotte, Florida 33948

Mr. Orlosky,

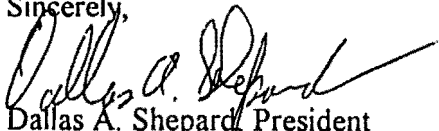
Per our conversation concerning water and sewer service to the Links Subdivision on the Charlotte / Desoto County line at Kings Highway, Lake Suzy Utilities, Inc has been requested to serve this subdivision. Being this subdivision lies outside the existing territory of Lake Suzy and within the jurisdiction of Charlotte County, I would like to come to some sort of agreement to serve this property. It seems to be more feasible for Lake Suzy to serve this small project since we have an 8" water line that deadends into this project and we have gravity lines within 300' of this project.

From my understanding for Charlotte County Utilities to serve this project, wetlands would need to be crossed and the your 12" water main would need to be tapped and extended under Kings Highway to serve this project. These costs could be extreme for the developer to serve this project when there is another viable option.

You will find enclosed a copy of an aerial photograph of the Links Subdivision in relation to the Lake Suzy service area (marked in red) along with a commercial area (marked in red). The commercial area could be better served by Charlotte County even though the area falls within the Lake Suzy territory. Also, you will find enclosed a copy of the Links Subdivision plat map for your information.

As we discussed, I would like to set up a meeting next week with you and Mr. Rick Howell to resolve this matter. If you should have any questions, please advise.

Sincerely,

  
Dallas A. Shepard, President  
Lake Suzy Utilities, Inc.

cc: Ron Oskey

# COUNTY OF CHARLOTTE

## OFFICE OF THE COUNTY ATTORNEY

18500 Murdock Circle  
 Port Charlotte, Florida 33948-1094  
 Phone: (941) 743-1330  
 FAX: (941) 743-1550

July 17, 1997

VIA FACSIMILE (850) 413-7118



RENEE FRANCIS LEE  
 COUNTY ATTORNEY

Ms. Blanca S. Bayo, Director  
 Division of Records & Reporting  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, Florida 32399-0850

Re: Address for Notices to Charlotte County Government

Dear Ms. Bayo:

We have just learned that the Public Service Commission has been using the following address for notices to Charlotte County Government:

Clerk of the Circuit Court/for the Board of County Commissioners  
 P. O. Box 1687  
 Punta Gorda, FL 33951-1687

Apparently "Notices" received at that address are posted on a bulletin board in a public area of the County Courthouse, rather than being forwarded to the Board of County Commissioners' Office in the County Administration Center in Port Charlotte.

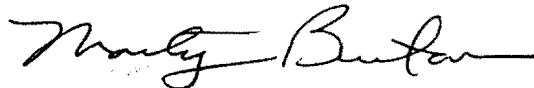
In the future, we request that all notices to the Charlotte County Board of County Commissioners as "governing body of the county or municipality" affected under Section 367.045(2)(a), Florida Statutes, be sent to the following address:

Board of County Commissioners for Charlotte County  
 Charlotte County Administration Center  
 18500 Murdock Circle  
 Port Charlotte, Florida 33948-1094

Ms. Blanca S. Bayo  
July 17, 1997  
Page 2

Thank you for your assistance in this matter.

Yours very truly,



Martha Young Burton  
Assistant County Attorney

MYB/am

cc: Barbara T. Scott, Clerk of the Circuit Court  
Jan Winters, County Administrator  
Reneé Francis Lee, County Attorney

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LR97-380



# COUNTY OF CHARLOTTE

## CHARLOTTE COUNTY UTILITIES

MAILING ADDRESS: 18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FL 33948-1094

BUSINESS OFFICE: 20101 PEACHLAND BLVD., SUITE 301  
PORT CHARLOTTE, FL 33954  
TEL: (941) 625-4164 FAX: (941) 743-4530

May 1, 1997

Mr. Dallas Shepard  
Lake Suzy Utilities, Inc.  
12408 SW Sheri Avenue  
Lake Suzy, FL 33948

**RE: LINKS SUBDIVISION; 49 LOTS LOCATED WITHIN CHARLOTTE COUNTY**

Dear Mr. Shepard,

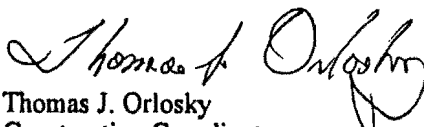
Thank you for your letter of April 22, 1997 detailing your desire to add 49 lots of the Links Subdivision to the Lake Suzy Utility franchise area.

Although your water and sewer facilities are in close proximity to the referenced lots, Charlotte County Utilities (CCU) water and sewer facilities are also in close proximity and can provide the necessary water and sewer service to the properties. As you know, CCU's 12 inch water main exists at the Kings Hwy entrance to the subdivision, and a looping of a water system to the subdivision could be provided by way of a future line extension through the Newport/Eagle West property, located along the Links southern boundary. Additionally, a sewage lift station exists within 300 feet of the Links subdivision. An alternative to connecting to this lift station could be a sewer force main located on Kings Hwy approximately 1500 feet from the entrance to the Links subdivision.

After conferring with Utility Director Richard Howell, recognizing water and sewer facilities and capacity are ready to serve the development of the subdivision, it is our consensus it would be contrary to the interests of CCU's ratepayers and bondholders to relinquish this portion of CCU's franchise area.

If you wish to discuss this issue further with Mr. Howell, please contact him at 625-4164. If you have any questions with regard to the above, you may also contact me at 764-4510. Thank you for your inquiry about this matter.

Sincerely,

  
Thomas J. Orlosky  
Construction Coordinator

/tjo

cc: Richard E. Howell, Utility Director  
Chrono/file

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R E S O L U T I O N  
NUMBER 91-79

A RESOLUTION ESTABLISHING THE CHARLOTTE COUNTY  
WATER AND SEWER DISTRICT NO. 1 AND SETTING  
FORTH THE BOUNDARIES THEREOF.

BE IT RESOLVED by the Board of County Commissioners of  
Charlotte County, Florida:

1. Pursuant to Chapter 153.08, Fla. Stat., the Charlotte  
County Board of County Commissioners hereby establishes the  
Charlotte County Water and Sewer District No. 1 to consist of all  
of the real property currently receiving water and/or sewer service  
from General Development Utilities, Inc., in the County, except  
those properties presently receiving water and sewer service from  
a source other than General Development Utilities, Inc., directly  
or indirectly, and including all real property to be served by the  
County from the Acquired Facilities of GDU. The physical  
boundaries and outline of the Charlotte County Water and Sewer  
District No. 1 are set forth on Exhibit "A" attached to this  
resolution and by reference made a part hereof.

2. The Board of County Commissioners deems it necessary  
to create the Charlotte County Water and Sewer District No. 1 to  
facilitate its acquisition of the water and sewer assets of General  
Development Utilities, Inc., located within that District in order  
to protect the health, safety and welfare of the residents and  
property located therein and to properly finance the acquisition  
of said Utility assets by customers of General Development  
Utilities, Inc., located therein and by vacant properties located

RECORD VERIFIED - [Signature]  
JEAN JONES  
By \_\_\_\_\_

★ RETURN TO COMMISSION MINUTES  
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CHARLOTTE COUNTY

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therein which can be served by the water and sewer assets currently owned by General Development Utilities, Inc., as expanded from time to time.

3. Creating a separate water and sewer district within Charlotte County is further made necessary by the desire and determination of the Board of County Commissioners to provide water and sewer service throughout other areas of Charlotte County currently served by private utilities whose rate structure, customer base, etc., may require different service criteria and which are not presently capable of interconnection with the Utility within the Charlotte County Water and Sewer District No. 1.

4. Pursuant to Chapter 153, Fla. Stat., the Board of County Commissioners resolves to exercise the powers granted by Chapter 153, Fla. Stat., Part I, by acquiring, owning, operating and expanding water and sewer utility services within the District set forth above, and to that end to acquire the water and sewer assets of General Development Utilities, Inc., located within said District. In choosing to exercise the powers granted by Chapter 153, Fla. Stat., the Board of County Commissioners has caused to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues as it deems necessary to have prepared for it so that the Board has available to it a Comprehensive Study and Report contemplated by Chapter 153, Fla. Stat. Said Comprehensive Study and Report has been considered and the results thereof set forth both in the resolution and said Comprehensive Study and Report. Said Comprehensive Study and

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Report has been prepared for the Board by the Water and Sewer Utility Acquisition Team for the acquisition of the water and sewer assets of General Development Utilities, Inc., in the District, which Report has been presented in writing and orally before the Board of County Commissioners. By virtue of said Report and by virtue of the other information made available to it through public hearing, the Board of County Commissioners determines that the acquisition of the water and sewer assets and facilities of General Development Utilities, Inc., used within the Charlotte County Water and Sewer District No. 1 should be made to protect the health, welfare and safety of the residents and property owners within said District No. 1 and to render fire protection to the inhabitants of the County residing within said District.

PASSED AND DULY ADOPTED this 23rd day of April, 1991.

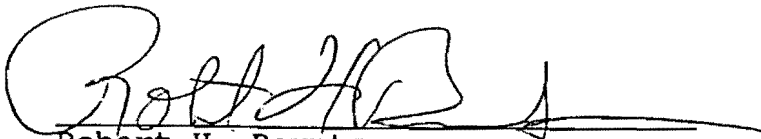
BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

BY   
Wm. D. Noel, Jr., Chairman

ATTEST:  
Barbara T. Scott, Clerk of  
Circuit Court and Ex-officio  
Clerk to the Board of County  
Commissioners

BY   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

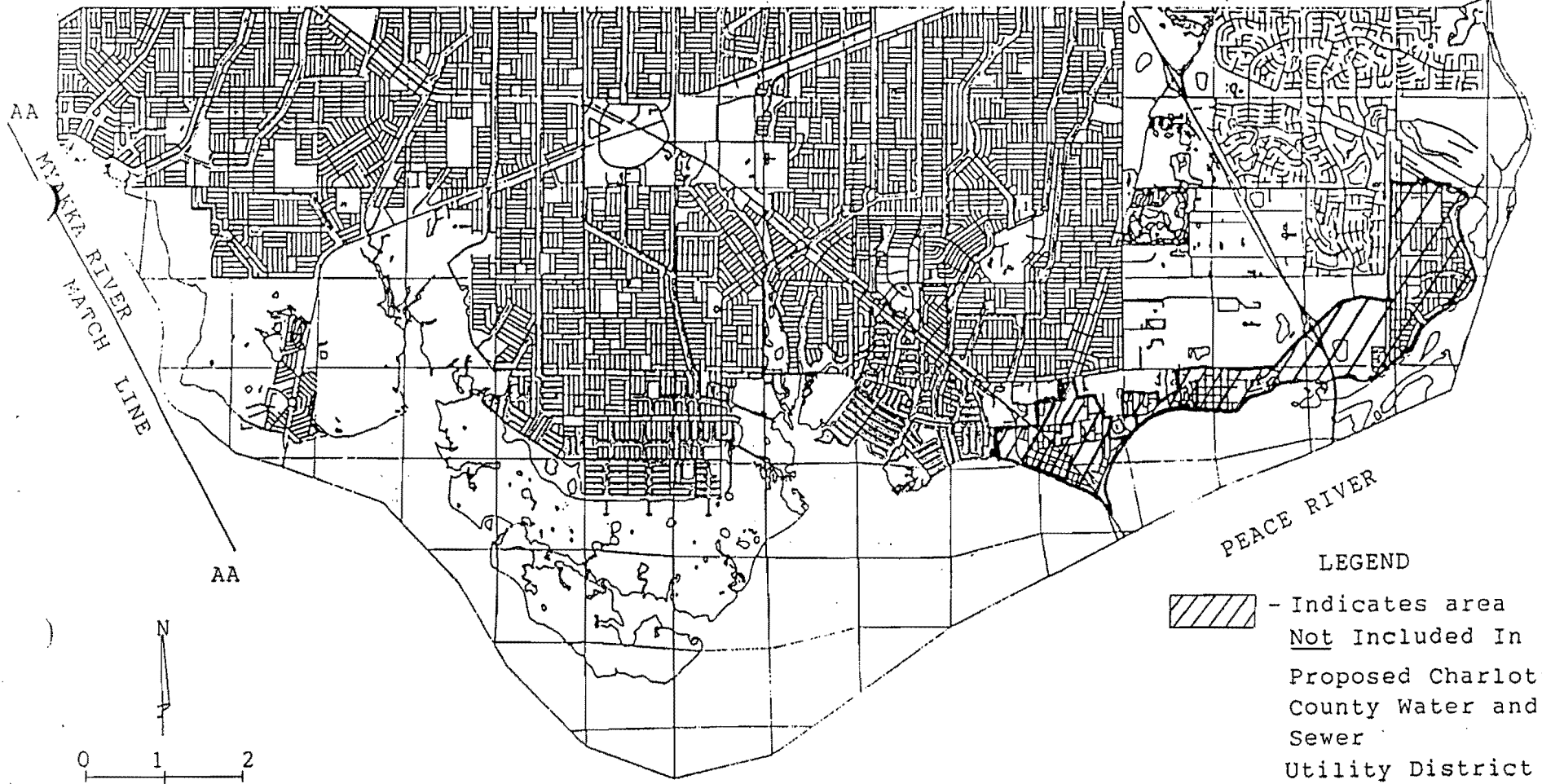
  
Robert H. Berntsson  
Chief Assistant County Attorney

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SARASOTA COUNTY

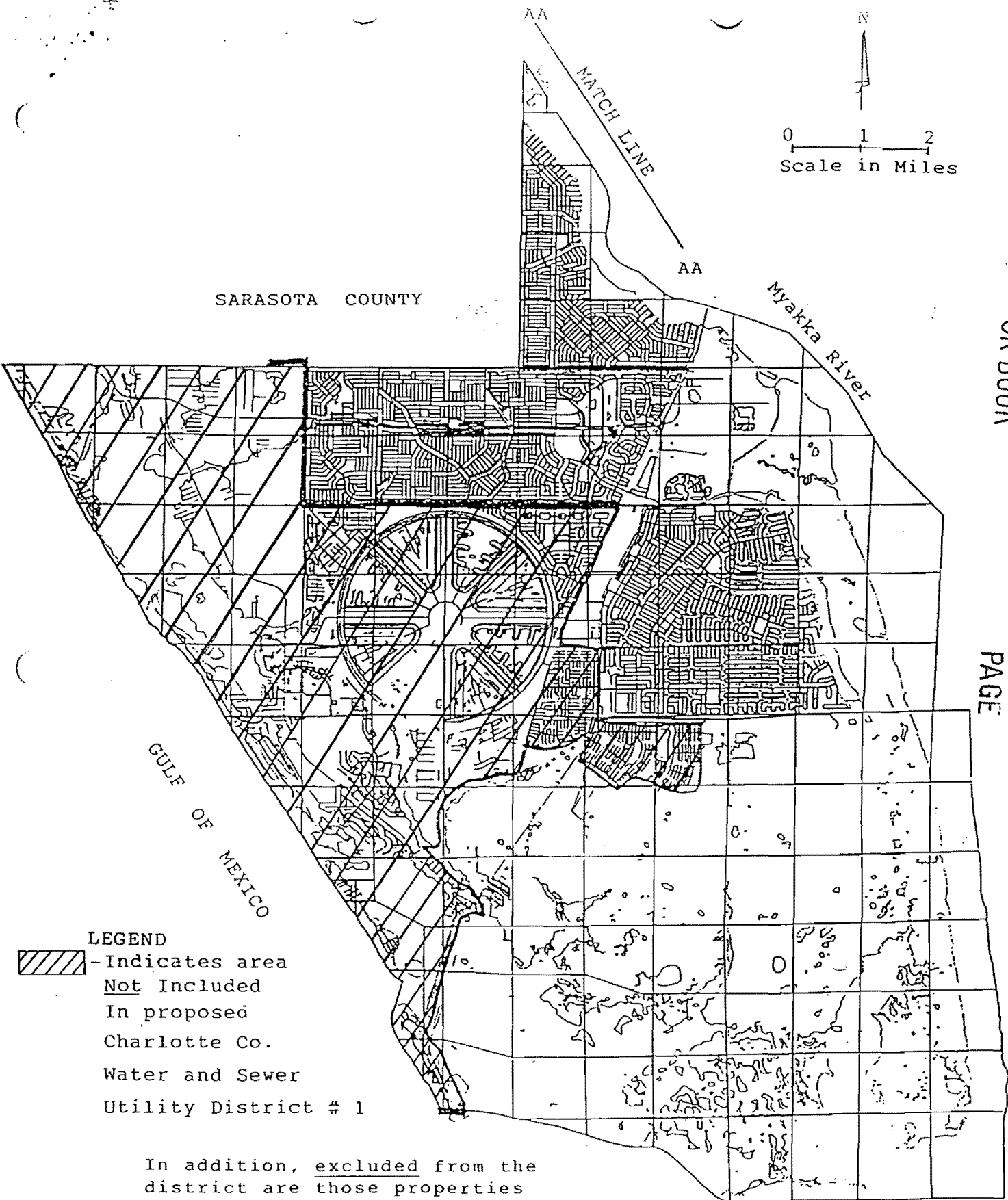
DESOTO COUNTY



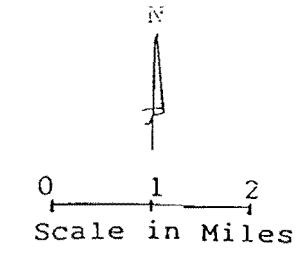
LEGEND

 - Indicates area Not Included In Proposed Charlotte County Water and Sewer Utility District # 1

In addition, excluded from the district are those properties presently receiving water and sewer service from a source other than General Development Utilities, Inc., directly or indirectly.




SARASOTA COUNTY



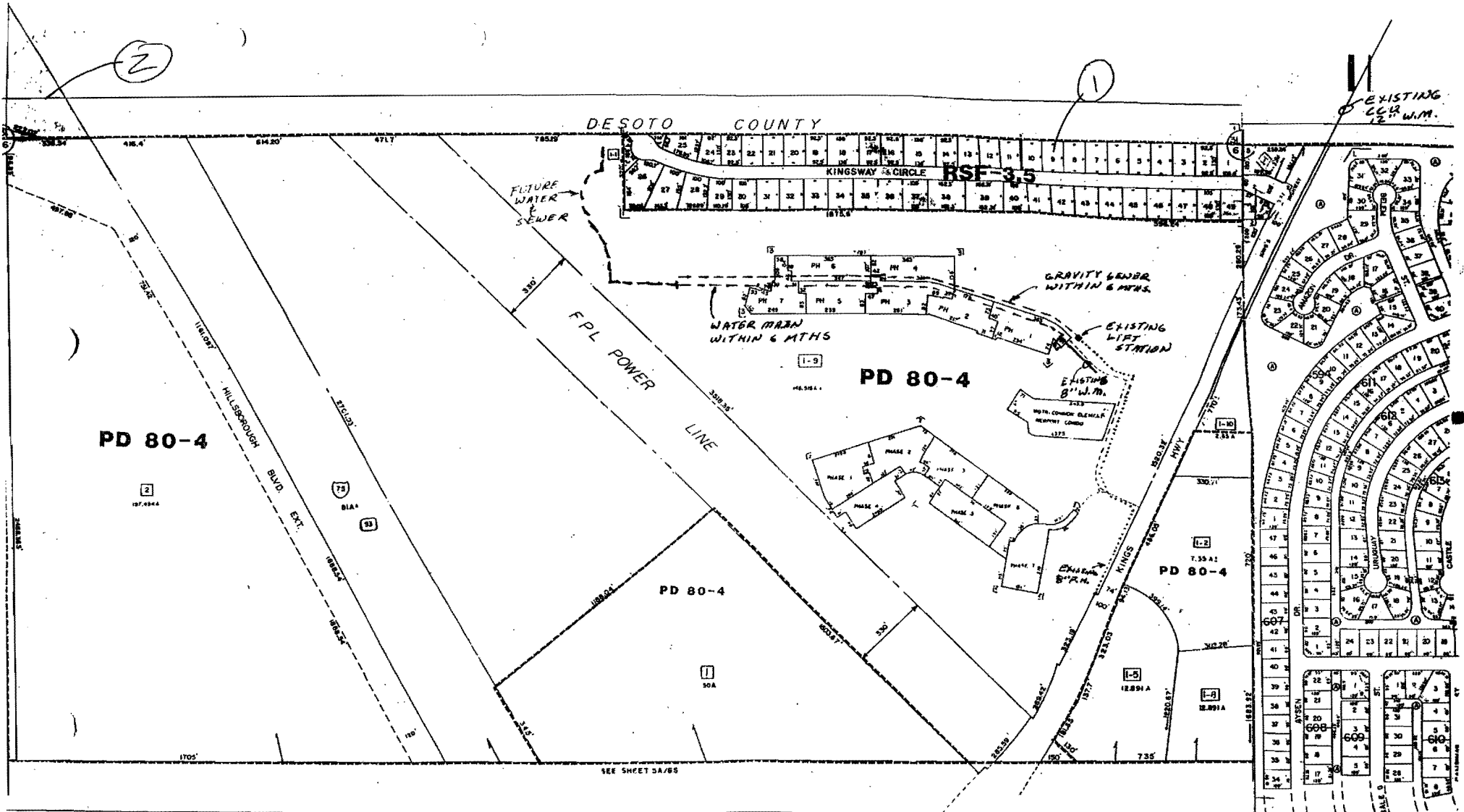
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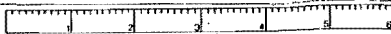
-  -Indicates area Not Included In proposed Charlotte Co. Water and Sewer Utility District # 1

In addition, excluded from the district are those properties presently receiving water and sewer service from a source other than General Development Utilities, Inc., directly or indirectly.



- = EXISTING WATER SERVICE
- - - = COMPLETED WITHIN NEXT 6 MTHS.
- ..... = FUTURE WATER LINE
- ..... = EXISTING 8" F.M.

TRW-REDI  
1-800-345-7334

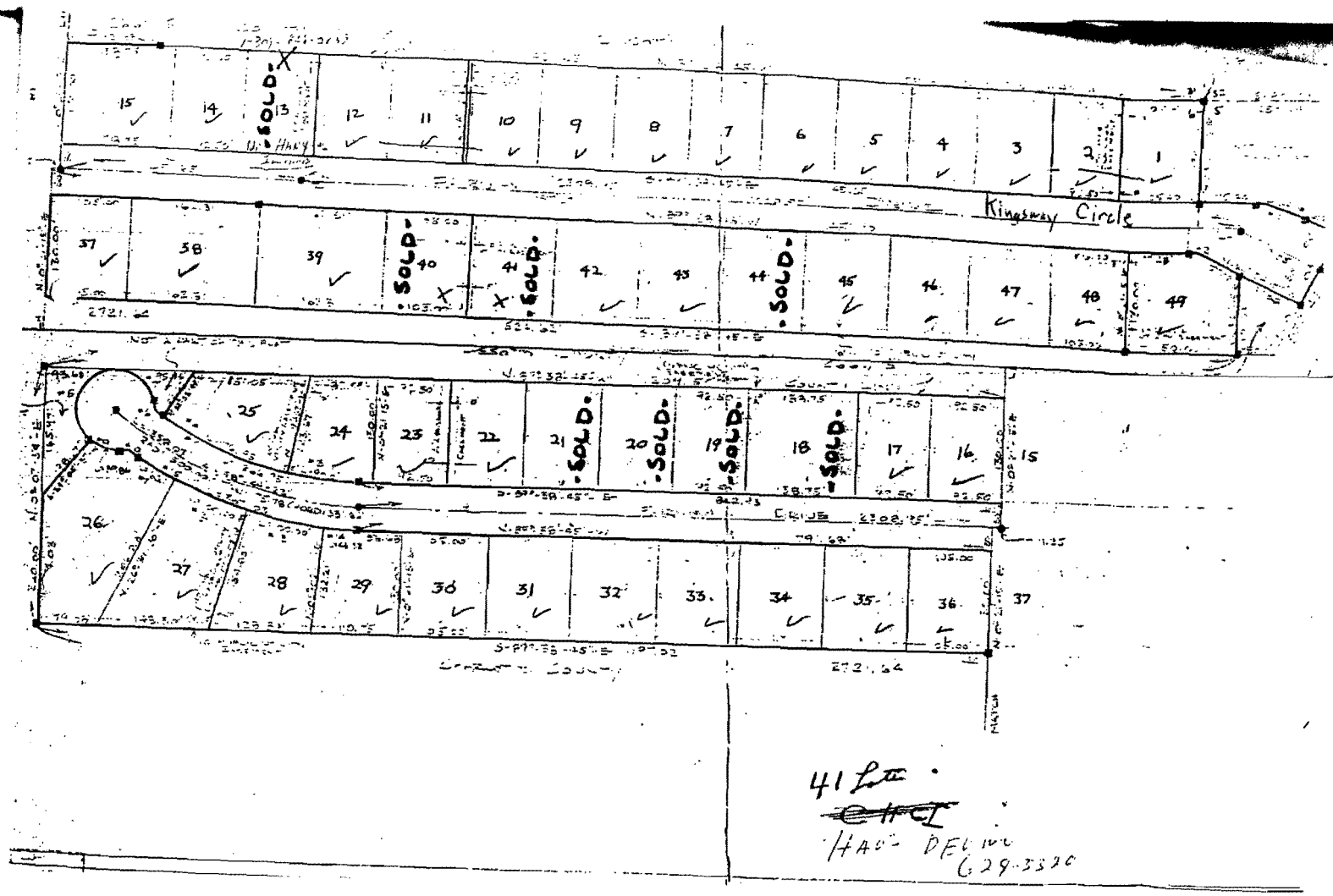


SCALE IN 1/16 OF AN INCH

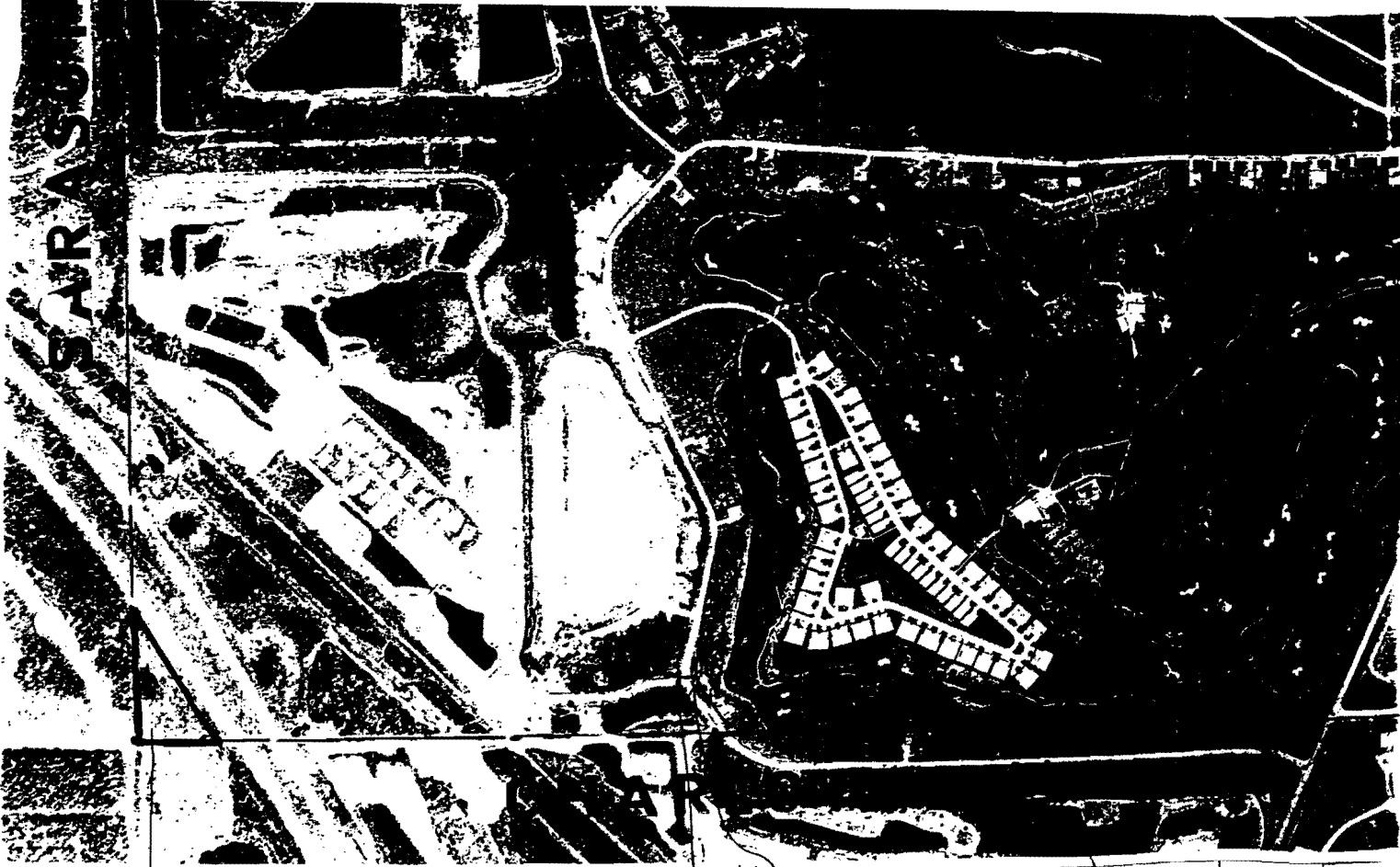


APPROXIMATE MAP  
CHARLOTTE COUNTY  
FLORIDA

| SECTION | TOWNSHIP | RANGE | DRAWN  | UPDATED | SHEET NUMBER |
|---------|----------|-------|--------|---------|--------------|
| 6       | 40S      | 23E   | E-2-77 |         | 54/6N        |

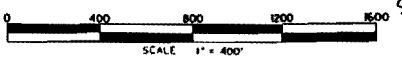


41 Lot  
~~ETC~~  
 HAD DELINE  
 629-3520



SARASOTA

Commercial  
2.5± acres



Sewer Mainline  
8" Water

PREPARED BY ATLANTIC AERIAL SURVEYS, LTD.  
FOR THE FLORIDA DEPARTMENT OF REVENUE  
FOR INFORMATION PURPOSES ONLY

Link's Subdivision  
49 lots

